



## The Corporation of the Town of Tecumseh

Legislative & Clerk Services

**To:** Mayor and Members of Council

**From:** Laura Moy, Director Legislative Services & Clerk

**Date to Council:** March 22, 2022

**Report Number:** LCS-2022-08

**Subject:** Use of Corporate Resources for Election Purposes Policy

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### Recommendations

It is recommended:

**That** Report LCS-2022-08 entitled “Use of Corporate Resources for Election Purposes Policy” **be received**;

**And that** Policy No. 69 Use of Corporate Resources for Election Purposes, as amended and appended to LSC-2022-08, **be approved**.

### Background

In compliance with the Municipal Elections Act, 1996 (the MEA), public funds and resources are not to be used for any election-related purposes, including the promotion of, or opposition to, the candidacy of a person for elected office.

Specifically, Section 88.18 of the MEA provides that before May 1 of an election year, municipalities and local boards shall establish rules and procedures with respect to the use of municipal or board resources, during the election campaign period.

In addition, Subsection 88.8(4)5 of the MEA provides that a municipality shall not make a campaign contribution.

The Ontario Election Finances Act, 1990 and the Canada Elections Act, 2000 include similar prohibitions with respect to provincial and federal election campaigns. Specifically, Section 29 of the Election Finances Act, 1990 prohibits contributions from corporations, which includes municipal corporations. Section 363 of the Canada Elections Act, 2000 similarly provides that only individuals may make campaign contributions.

Policy No. 69, the Use of Corporate Resources for Election Purposes (Policy) was adopted in May 11, 2010 ([RCM 164/10](#)) to provide a consistent approach and clear direction regarding the use of corporate resources during a municipal election campaign period.

The Act was amended with a number of changes through Bill 181, *Municipal Elections Modernization Act*. In 2018, the Policy was amended at the April 24, 2018 meeting of Council ([RCM 136/18](#)) in relation to the new provisions in the Act for Third Party Advertisers.

Individuals, corporations and unions are permitted to register as a Third Party. Candidates cannot register as, or otherwise direct, a Third Party. Registration allows Third Parties to support or oppose any candidate that the electors in the municipality can vote for (local council, school board trustee positions and regional council offices).

The Policy has been reviewed in advance of the 2022 Municipal and School Board Election for compliance and consistency with current legislation and to address current issues.

## Comments

While it is recognized that Members of Council must be able to perform the duties of their office during an election year, it is also important to establish clear guidelines to ensure that the election campaigns of sitting Members do not receive any advantage over other Candidates, by virtue of their office, and at the same time clarify the prohibited use of corporate resources for all Candidates, Registered Third Parties, staff and committee members during a municipal election period.

The Policy in **Attachment 1** has been reviewed and amendments are recommended in relation to the definition of social media as it can involve many forms of online participation and public engagement. Candidates may use their personal social media accounts for election campaign purposes, however cannot use websites, domain names or social media funded by the Town.

The scope of the Policy was also updated to incorporate Candidates and Registered Third Parties in federal and provincial elections, where applicable.

## Consultations

Area municipalities

## Financial Implications

There are no financial implications associated with this policy.

## Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input type="checkbox"/>	Ensure that Tecumseh's current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh's plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town's "continuous improvement" approach to municipal service delivery to residents and businesses.
<input checked="" type="checkbox"/>	Demonstrate the Town's leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

## Communications

Not applicable

Website  Social Media  News Release  Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Jennifer Alexander, MPA  
Deputy Clerk & Manager Legislative Services

Reviewed by:

Laura Moy, Dipl. M.M.  
Director Legislative Services & Clerk

Recommended by:

Margaret Misek-Evans, MCIP, RPP  
Chief Administrative Officer

<b>Attachment Number</b>	<b>Attachment Name</b>
1	Policy 69 - Use of Corporate Resources for Election Purposes